PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:
Public Notice Number:2000-00943-YN
Issue Date:February 18, 2003
Expiration Date:April 01, 2003

REQUEST FOR PUBLIC COMMENT

AND

ANNOUNCEMENT OF A PUBLIC HEARING

The New York District, U.S. Army Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: St. Lawrence Cement Company, LLC
4303 Route 9
Hudson, NY 12534

ACTIVITY: Discharge fill material, dredge with ten years maintenance and upland disposal, and install structures in the Hudson River to improve an existing marine terminal serving the applicant's cement manufacturing facilities.

WATERWAY: Hudson River and tributaries

LOCATION: Town of Greenport and City of Hudson, Columbia County, New York.

A detailed description and plans of the applicant's proposed work are enclosed to assist in your review. The U.S. Army Corps of Engineers, New York District will conduct a **PUBLIC HEARING** to gather information to assist in its review of this permit application. The details of the hearing are as follows:

DATE: **Tuesday, March 18, 2003**

TIME: Afternoon Session: **1:00 PM to 4:30 PM***

(dinner break)

Evening Session: **6:00 PM to 11:00 PM***

*The Public Hearing sessions may end before the closing times noted above if all parties wishing to speak have done so prior to the closing times.

LOCATION: Columbia Greene Community College (theatre in Arts Center)
4400 Route 23
Hudson, New York 12534

DIRECTIONS: See Enclosure 3 for map and written directions

The United States Army Corps of Engineers neither favors nor opposes the proposed work. The purpose of this public notice and public hearing is to afford the Corps of Engineers the opportunity to hear from the general public on the application which is before it in order to acquire information which will be considered in evaluating whether to issue or deny the requested permit. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this determination, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed below. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general the needs and welfare of the people.

The PUBLIC HEARING is open to everyone. All interested individuals, groups, and agencies are invited to be present or be represented at the hearing. Everyone will be given an opportunity to express his or her views and to furnish specific data on aspects of the proposed activity. At the public hearing, any person may appear on his or her own behalf, or may be represented by counsel, or by other representatives.

Should commenters choose to write, all comment letters received in regard to this public notice will be made part of the permit application record, and will also be considered in the permit decision-making process. INFORMATION SUBMITTED BY MAIL IS CONSIDERED JUST AS CAREFULLY IN THE PERMIT DECISION-MAKING PROCESS AND BEARS THE SAME WEIGHT AS THAT FURNISHED AT THE PUBLIC HEARING. ALL WRITTEN COMMENTS REGARDING THIS PUBLIC NOTICE MUST BE MAILED TO REACH THE CORPS OF ENGINEERS NEW YORK CITY OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity. Comments may also be submitted electronically; comments sent via electronic mail should include the senders name and address and be sent to: Saint.L.Cement@usace.army.mil

The public hearing will be conducted in accordance with the procedures outlined in Title 33 of the Code of Federal Regulations, Part 327. Any person will be permitted to submit oral or written statements concerning the subject matter of the hearing; to call witnesses who may present oral statements; or to present recommendations as to an appropriate decision. Any person may present written statements or other additional information, and may present proposed findings and recommendations prior to the time the comment period is closed (5:00pm EST on Tuesday, April 1, 2003) to public submission
Speakers will be requested to limit their oral presentations to 5 minutes. Lengthier written presentations

may be submitted but the speaker will be requested to summarize the presentation in the allotted 5 minutes. Cross-examination of speakers will **not** be permitted; however, subject to time constraints, the presiding officer shall afford participants a reasonable opportunity for rebuttal.

To ensure order during the hearing, the following speaker sequence will be followed:

1. Applicant's description of the proposed work;
2. Federal elected officials or their representatives;
3. Federal agencies' representatives and appointed federal officials;
4. State elected officials or their representatives;
5. State agencies' representatives and appointed state officials;
6. County elected officials;
7. County agencies' representatives and appointed county officials;
8. Local governments officials;
9. Native American Tribal representatives;
10. Organized environmental groups' representatives;
11. Organized citizens groups' representatives; and
12. Private citizens.

Speakers in the respective groups not having an opportunity to present their statements during the morning or afternoon sessions will be permitted to present their statements in sequential order during the following session.

The public hearing will be reported verbatim. Copies of the hearing transcript will be available for public inspection at the Corps of Engineers New York District office and Albany Field Office after the close of the comment period, and may be purchased from the Corps of Engineers by any person or group. The cost of a copy will correspond directly to the number of pages in the transcript. All attendees of the public hearing will be contacted by mail after the close of the comment period as to the exact addresses where the transcript can be inspected and/or purchased.

All written statements, charts, tabulations, and similar data offered in evidence at the hearings shall, subject to exclusion for reasons of redundancy, be received in evidence and will constitute a part of the hearing file which will become part of the administrative record for this permit action. For filing purposes it is requested that the material not exceed 8 1/2" x 14", if possible.

The hearing record will remain open until 5:00 PM EST on April 1, 2003, for the receipt of written comments. All comments should be sent to the following address in order to be received prior to the close of the record:

New York District Corps of Engineers
Regulatory Branch
26 Federal Plaza, Room 1937
New York, New York 10278-0090

The Corps of Engineers' preliminary determination is that the activity for which authorization is sought is not likely to adversely affect the Federally listed as endangered Shortnose sturgeon (Acipenser brevirostrum) or its critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to the listed species in the project area or its critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions or proposed actions, that are either permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Based upon a review of the "Guide to Essential Fish Habitat Designations in the Northeastern United States," issued by the National Oceanic Atmospheric Administration/National Marine Fisheries Service, EFH for the larval stage of summer flounder (Paralichthys dentatus) is located within the proposed areas of dredging, filling and structure placement in the Hudson River and could potentially be impacted by the proposed work. Further consultation with NMFS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to a final decision on the application.

Based upon a review of the latest published version of the National Register of Historic Places and information provided by the applicant and the New York State Historic Preservation Officer (SHPO), it has been determined that the Heermance/Jones House, a stockhouse, and a railroad bridge (CSX), as well as archeological resources, are located on the applicant's property and are considered eligible for inclusion in the National Register of Historic Places. Several historic properties either included in or eligible for listing in the National Register of Historic Places are also located in the project vicinity. These include the Olana National Historic Landmark, the Hudson Historic District, the Athens Lower Village Historic District, Athens Lighthouse, Oliver Wiswall House, and Front Street-Parade Hill. The subject area of the Hudson River Valley was also designated a National Heritage Area in 1996. The New York District is currently coordinating with the SHPO to ensure that the requirements of Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470) are satisfied. Should it be determined that the undertaking would have an adverse effect on these or any other historic properties, the New York District, U.S. Army Corps of Engineers will be inviting additional consulting parties into the Section 106 process to assist in resolving the adverse effects. Individuals and organizations with a demonstrated interest in the undertaking, due to the nature of their legal or economic relation to the undertaking or affected properties, or your concern with the undertaking's effects on historic properties, may request in writing to become a consulting party.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act. The applicant is required to obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification should be addressed to the New York State Department of State.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- NOTIFICATION/DETERMINATION FOR STRUCTURES IN EXCESS OF 200' IN HEIGHT FROM THE FEDERAL AVIATION ADMINISTRATION

- AIR PERMITS FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC)

- NAVIGATION/DOCK APPROVALS FROM THE U.S. COAST GUARD

- SEQR REVIEW, SPDES, PETROLEUM BULK STORAGE, STORMWATER DISCHARGE, AND MINING PERMIT AMENDMENT AUTHORIZATIONS FROM NYSDEC

- HIGHWAY WORK AND USE AND OCCUPANCY PERMITS FROM NEW YORK STATE DEPARTMENT OF TRANSPORTATION

- EASEMENT, LEASE OR LICENSE FOR WORK IN HUDSON RIVER FROM NEW YORK STATE OFFICE OF GENERAL SERVICES

- SITE PLAN, RAILROAD CROSSING, WATER SUPPLY, WASTEWATER, CONSTRUCTION, DEMOLITION, AND FLOOD AREA DEVELOPMENT PERMITS FROM THE COUNTY AND AFFECTED MUNICIPALITIES.

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, please contact the Corps of Engineers' Albany Field Office at (518) 270-0588 and ask for Christine Delorier.

For more information on New York District Corps of Engineers programs, visit our website at http://www.nan.usace.army.mil

FOR THE DISTRICT ENGINEER:

Richard L. Tomer
Chief, Regulatory Branch

Enclosures
1. Description of Work
2. Project Plans
3. Public Hearing Location Map and Directions

WORK DESCRIPTION

The applicant, St. Lawrence Cement Company, LLC, has requested Department of the Army authorization to discharge fill material, dredge with ten years maintenance and upland disposal, and install structures in the Hudson River, to improve an existing marine terminal serving its cement manufacturing facilities. The project site is located in the City of Hudson and the Town of Greenport, Columbia County, New York.

The applicant refers to the proposed project site as its "Greenport Facility". The applicant's property in the Town of Catskill, Greene County, is known as the "Catskill Facility". Together, they comprise the applicant's Hudson Valley Operation. St. Lawrence Cement Company's existing cement manufacturing plant is located at the Catskill Facility. The applicant proposes to replace its current clinker (a pre-cursor to cement) manufacturing plant at the Catskill Facility with a modernized and larger manufacturing plant at the Greenport Facility. The applicant proposes to construct a new cement manufacturing plant that would use coal as the primary fuel used in the cement manufacturing process, continue and increase the rate of extraction associated with mining at Greenport, install a new above-ground conveyor system, dredge with ten years maintenance and upland disposal, construct a revetment and stabilize the Hudson River shoreline, and upgrade an existing pier and construct a new pier assembly in the Hudson River.

The proposed dredging would enable the simultaneous docking of a HudsonMax ship (the largest ship able to traverse the Federal Navigation Channel in this area), which is 754 feet long and 80 feet wide, and a cement barge with an attendant tug. The cement barge would be 460 feet long by 72 feet wide. Additional tugs could also be used to assist in docking the 16 to 22 HudsonMax ships that are expected each year. The Hudson Turning Basin to the north would be used for the HudsonMax vessels to turn around, while the cement barges would depart directly from the dock area. Approximately 62,000 cubic yards of sediment would be dredged, with a closed clamshell bucket operating from a barge, from a 5.71 acre area of the Hudson River to depths ranging from 28 to 36 feet mean low water (MLW). The sediment is a mixture of silt, sand and gravel. Dredging would occur within a turbidity curtain if conditions allow. The dredged material would be placed into a scow with no barge overflow and then transferred to the dock and then to trucks by mechanical excavators with no direct return flow to the waterway. Excess water would be pumped for treatment to an existing stormwater detention pond which operates under an existing SPDES permit from the NYSDEC. Class B sediment (in accordance with current New York State dredging guidelines) would be transported by trucks for final disposal at the Town of Colonie landfill. The remaining dredged material would be transported by trucks to an upland site owned by the applicant, which is located away from the Hudson River and its tributaries. This material may also be used as soft sediment substrate at the proposed riverine mitigation site that is described below. The proposed dredging would result in the permanent loss of 0.26 acre of intertidal area and one entire bed and a portion of another bed of submerged aquatic vegetation (SAV), which total 0.05 acre. The SAV beds are dominated with water celery (Vallisneria americana). A 1.34 acre area within the proposed dredge site was previously authorized by the Corps of Engineers to be dredged to support existing shipping operations under Department of the Army Permit Number 1998-13290. To this date, the dredging authorized by that permit has not occurred, however, the area has been dredged historically. Maintenance dredging is expected every five years, or two additional

times within the proposed ten year permit term.

The existing dock is a 400 foot long sheet pile bulkhead with backfill and a concrete cap. The applicant proposes to upgrade the dock by adding two mooring dolphins, each consisting of 12 structural piles and 2 fender piles, adding a 50 foot long by 2.5 foot wide steel grate catwalk from the bulkhead to Dolphin 1, adding an 80 foot long by 2.5 foot wide steel grate catwalk from the bulkhead to Dolphin 2, and adding 81 H-shaped soldier piles braced by 68 existing battered piles. Each steel grate catwalk would provide 77% open space. The soldier piles are intended to reinforce the existing bulkhead and would be spaced 6 feet apart along the existing bulkhead. Four mooring points would also be added to the existing bulkhead. Any additional sheet piling that may be added to help reinforce the southern limit of the bulkhead would occur in uplands. The closest distance from the proposed structures to the Federal Navigation Channel is approximately 120 feet. When a HudsonMax ship is moored, the ship's closest distance to the channel would be approximately 38 feet. A breasting barge would be temporarily docked between the bulkhead and dolphins to facilitate the delivery of raw materials.

The applicant proposes to construct a new T-shaped pier assembly approximately 500 feet south of the existing docking facility. The assembly would consist of a 71 foot long by 20 foot wide concrete access ramp, four mooring dolphins consisting of 12 structural piles and 2 fender piles tied together and mooring bits, and a 193 foot long by 15 foot wide steel grate catwalk system that would provide connections to the mooring dolphins. A series of 5, 14 foot high steel truss structures would carry two 14" diameter fixed pneumatic loading pipes from the pump house to the center of the pier to load the finished cement product for shipping from the pump house. The mooring dolphins would be installed a maximum of 56 feet waterward of the mean high water line (MHWL) of the Hudson River. The closest distance from the proposed structures to the Federal Navigation channel is approximately 83 feet. When a cement barge is moored, its closest distance to the channel would be approximately 6.5 feet. It is estimated that cement barges would be moored at this location 4 times per week.

To minimize the amount of dredging needed, to stabilize the shoreline, and to provide diverse fish habitat, the applicant proposes to discharge approximately 9,500 cubic yards of fill material, including large rock and an underlayer of finer stone, into 1.09 acres of the Hudson River to construct a 1,100 foot long revetment. The revetment would range in width from 20 to 50 feet and would be located a maximum of 180 feet waterward of the MHWL of the Hudson River. A 0.2 acre portion of the area to be filled is considered intertidal. In between the two piers, along the shore of the riverine mitigation site, and south of the proposed new pier assembly, the applicant also proposes to discharge 800 cubic yards of large rock into the waterway to stabilize 900 linear feet of shoreline.

To mitigate the proposed impacts to aquatic resources, the applicant proposes to create 0.65 acre of shallow water habitat and restore 0.27 acre of shallow water habitat in a small cove located between the existing and proposed docking facilities. A 0.3 acre portion of this mitigation site would be planted with water celery to establish a SAV bed. The applicant also proposes to restore 3 acres of tidal wetlands in South Bay, located to the east of the railroad tracks along the Hudson River. If the project is constructed, the applicant would also reduce the intake of water from the Hudson River at their Catskill Facility from 2.5 million to 15,000 gallons per day.

The Greenport Facility would not use water from the Hudson River in its operations, including the cement manufacturing process.

The new facility is intended to serve the northeastern United States and a portion of the Mid-Atlantic States. Although the production of cement would cease at the Catskill Facility, the facility would continue to be used for the importation and market distribution of other cementitious materials and the landfill on the property would receive material produced at the Greenport plant that cannot be beneficially reused or recycled. In addition, the Catskill Facility would support the proposed Greenport Facility by handling some of the grinding, packaging, storage and shipping requirements. No new construction, including work in waters of the United States, is proposed at the Catskill Facility.

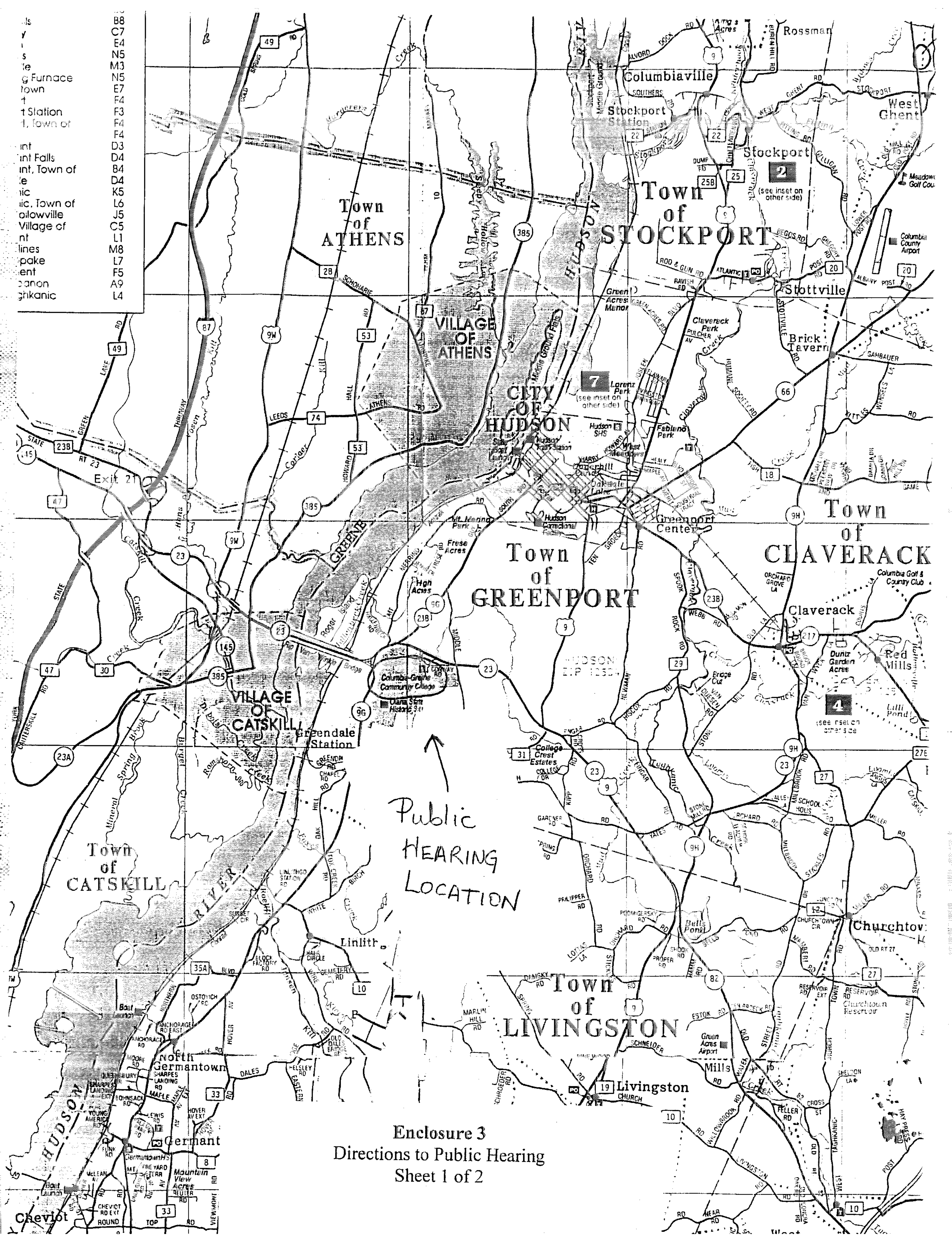
The 1,783 acre Greenport Facility currently consists of an active mine located east of U.S. Route 9, an office and performance materials testing laboratory to the west of U.S. Route 9, and an active dock in the Hudson River. The applicant proposes to construct the new cement manufacturing plant within a 40 acre portion of the active mine, in uplands. The Catskill facility produces up to 660,000 tons of clinker per year and the Greenport Facility would produce up to 2.6 million tons of clinker per year. The new plant would consist of a raw mill, raw mill feed bins, cement mills, cement and clinker silos, offices, a control room, main, alkali and cooler baghouses, kiln, a preheater/precalciner tower, a coal mill building, a clinker cooler, and stockpiling areas. An existing impoundment within the mine would serve as the supply for process water. All proposed gas, water, electric and sewer connections are also proposed in uplands.

The mine site is a 1,222 acre property located entirely in the Town of Greenport. Approximately 550,000 tons of rock are mined each year by the applicant and other companies that lease the land. The proposed project would increase the mining rate of extraction to a maximum of 6.7 million tons per year, which includes cement stone, aggregate and overburden. Proposed mining up until November 2008 would not involve impacts to waters of the United States, however, streams and wetlands could be impacted in later phases of mining, subject to obtaining required Federal and State approvals.

An approximately 2.1 mile long above ground and self-enclosed tube conveyor system would be constructed from the mine site to the applicant's 14 acre property on the Hudson River. Cement would be conveyed from the plant to the dock facility for shipping, and raw materials needed for the cement manufacturing process would be sent from the dock to the plant. The conveyor housing would be 5 feet wide and 7 feet high. The conveyor system would be at ground level for most of its route, but would rise over road and railroad crossings. Although the conveyor crosses waters of the United States from the proposed cement plant to the Hudson River, it's installation would not result in the discharge of fill material into them. At the river, the conveyor would terminate at an 82 foot tall pumphouse and 75 foot tall conveyor reversing structure located landward of the proposed southern pier. A smaller conveyor would be installed from the pumphouse to the northern docking facility. The on-shore portion of the property would also house raw material stockpile areas. An existing 147 foot tall silo and barge loader would be removed and the existing stock house would be architecturally rehabilitated for aesthetic benefit. A trail and overlook area would be constructed at the dock facility for public

use. In the future, the proposed trail may be connected to a waterfront park that is currently being considered by the City of Hudson. The stockpile areas and waterfront park are all proposed in uplands.

At the Catskill Facility, the applicant proposes to remove six, 100 foot tall bunker silos located along the Hudson River. An 82 foot tall kiln stack would be removed at the main plant site in Catskill that would also eliminate the steam plume currently emitting from the stack. In addition to the removal of the structures mentioned above, the applicant proposes to remove 22, 100 foot tall cement silos and an existing 200 foot tall stack located between U.S. Route 9 and N.Y.S. Route 9G, at the Greenport Facility. Existing structures at the docking facility, and the historic Heermance/Jones House are proposed to be architecturally renovated. These measures are proposed to mitigate impacts to historic properties in the project vicinity.



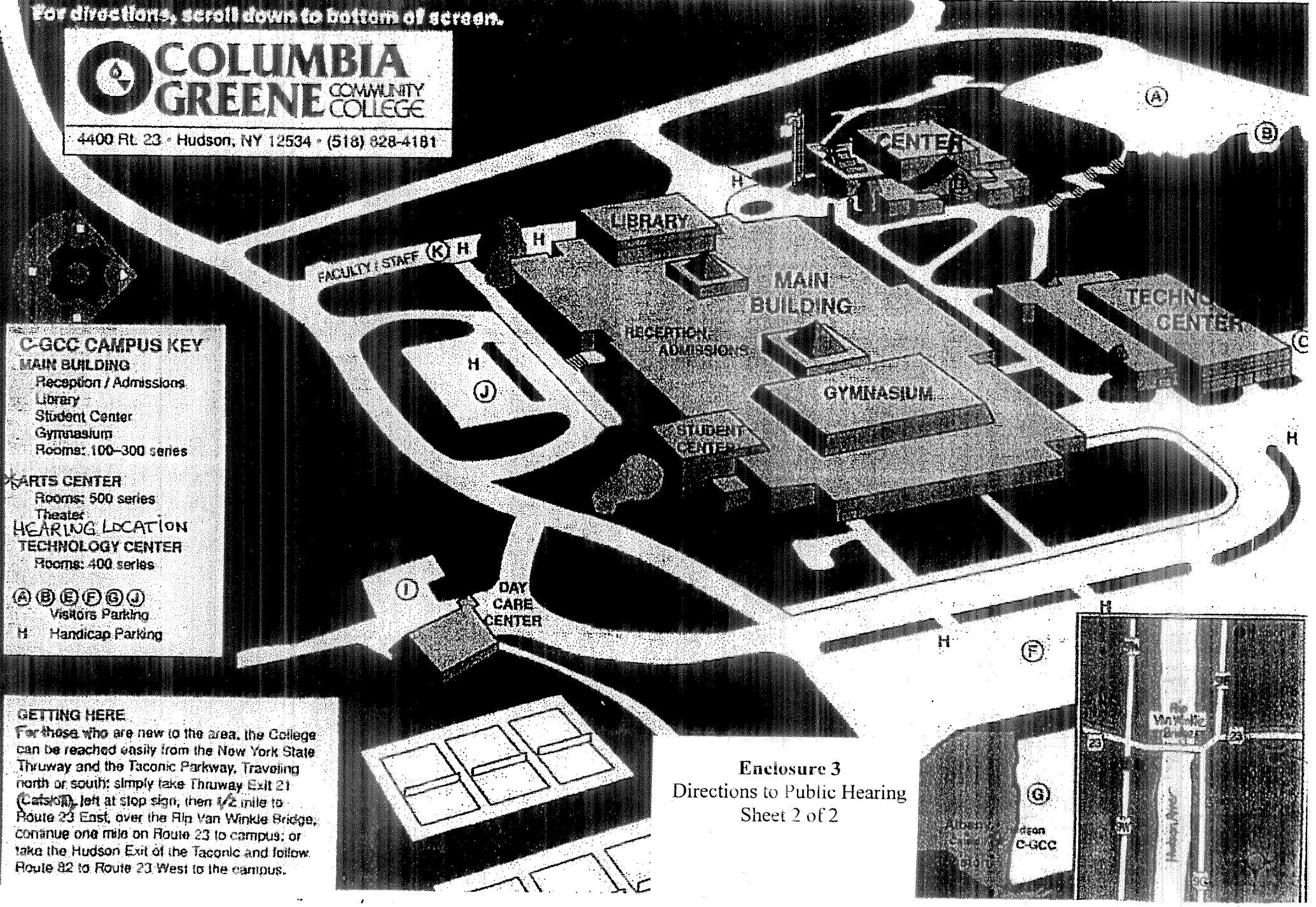
Enclosure 3
Directions to Public Hearing
Sheet 1 of 2

← Rip Van Winkle Bridge and NYS Thruway 87 | Route 23 | Rte. 82 and Taconic Parkway →

For directions, scroll down to bottom of screen.

COLUMBIA GREENE COMMUNITY COLLEGE

4400 Rt. 23 • Hudson, NY 12534 • (518) 828-4181



Enclosure 3
Directions to Public Hearing
Sheet 2 of 2